

Tennessee Board of Pharmacy
Board Meeting
May 16-17, 2012

TENNESSEE BOARD OF PHARMACY
MAY 16-17, 2012
227 FRENCH LANDING, POPLAR ROOM
NASHVILLE, TN

BOARD MEMBER PRESENT

Brenda Warren, D.Ph., President
Charles Stephens, D.Ph., Vice President
Joyce McDaniel, Consumer Member
Jason Kizer, D.Ph.
Nina Smothers, D.Ph.
Will J. Bunch, D.Ph.
Larry Hill, D.Ph.

STAFF PRESENT

Andrew Holt, Executive Director
Terry Grinder, Pharmacy Investigator
Mark Waters, Deputy General Counsel
Anthony Czerniak, Assistant General Counsel
Tommy Chrisp, Pharmacy Investigator
Scott Denaburg, Pharmacy Investigator
Richard Hadden, Pharmacy Investigator
Rebecca Moak, Pharmacy Investigator
Sheila Bush, Administrative Manager

The Tennessee Board of Pharmacy convened on Tuesday, May 16, 2012, in the Poplar Room, 227 French Landing, Nashville, TN. A quorum of the members being present, the meeting was called to order at 9:05a.m., C.D.T., by Dr. Brenda Warren.

Minutes

The minutes from the March 6, 2012 board meeting were presented. After discussion, Dr. Kizer made the motion to approve the minutes as presented. Ms. McDaniel seconded the motion. The motion carried.

Mr. Anthony Czerniak introduced Ms. Jane Young, General Counsel to the board.

General Discussion

John Dreyzehner, MD, MPH, FACOEM, Commissioner for the Department of Health and Dr. David Reagan, Chief Medical Director, for the Department of Health spoke to the board concerning the changes in the Department of Health.

Director's Report

Dr. Holt thanked Dr. Bunch, Dr. Warren, and Dr. Smothers for attending updates. Dr. Holt conducted five pharmacy updates and Dr. Grinder conducted three pharmacy updates. There were roughly 1485 in attendance including pharmacists and pharmacy technicians.

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Dr. Holt informed the board of an upcoming meeting with the Drug Task Force to be held on June 7, 2012 at the Tennessee Bureau of Investigations (TBI) Headquarters. Dr. Holt told the board members that they were welcome to attend.

Dr. Holt presented the financial report to the Board. Ms. McDaniel asked Dr. Holt concerning professional services 3rd party, professional service agency, particularly publications subscriptions and rent. Dr. Holt will speak with Jim Patt and present the answers tomorrow.

Dr. Holt informed the board that the Medical Laboratory Board has seen an increase in applications from pharmacies for the CLIA-waived testing. There are two different lists of approved tests that the state has for point of care testing-one for lab facilities in a pharmacy or a health care facility, and the other list is for approved tests at a health fair screening. When a pharmacy applies to do point of care testing the state tests listed are the only ones that are currently allowed. The list has been revised on several different occasions due to different agencies coming before the Medical Laboratory Board requesting to do different testing. The Medical Laboratory Board just wanted to inform the Board of Pharmacy that they are open to hear new requests for different testing that are not on the approved list, but that they must present the request to the Medical Laboratory Board. Dr. Kizer suggested that we add the link to the list of the approved testing to the board's website.

Dr. Holt spoke to the board concerning the drug Synagis and where it can be delivered because of the strict storage restrictions. Dr. Holt directed the board to board rule 1140-3-.12(5) which states "Nothing in this section prohibits delivery of a prescription to a patient's home or business by an agent of the pharmacy practice site." Dr. Warren also directed the board to T.C.A. § 63-10-204 (12) which states "Dispense means preparing, packaging, compounding or labeling for delivery and actual delivery of a prescription drug, nonprescription drug or device in the course of professional practice to a patient or the patient's agent by or pursuant to the lawful order of a prescriber." Dr. Warren stated that the question before the board is if a patient's home or business is the only place where a prescription can be delivered. After discussion, the board decided that the prescription can be delivered to a physician's office.

Dr. Holt informed the board that the board's office is getting a lot of calls pertaining to electronic signatures and fax prescriptions. After discussion, Dr. Kizer made the motion stating that prescriptions generated and transmitted electronically by the prescriber whether it is received electronically or by fax at the pharmacy should be considered an electronic prescription. Dr. Hill seconded the motion. The motion carried.

Request to Appear

Mark Tankersley

Dr. Tankersley is requesting a waiver of board rule 1140-01-.07. Dr. Tankersley's Tennessee pharmacist license expired on June 30, 2006. After discussion, Dr. Hill made the motion to grant the waiver of the three hundred and twenty (320) internship hours and the continuing

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pharmaceutical education hours but he must successfully take and pass the MPJE and the NAPLEX. Dr. Bunch seconded the motion. The motion carried.

Application Review

Adam Gerard Debruin

Dr. Debruin answered yes to the questions that asked “Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated, or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?” and “Have you ever been charged or convicted (including nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, or whether you were pardoned from any such offenses?” Dr. Debruin surrendered his Florida Consultant license because he did not obtain his continuing education hours from the approved list. Dr. Debruin was charged with disorderly conduct in New Orleans 10 to 11 years ago. Charge has been expunged. Ms. McDaniel made the motion to approve Dr. Debruin’s application for reciprocity. Dr. Stephens seconded the motion. The motion carried.

Patrick Michael Ailey

Dr. Ailey answered yes to the question that asked “Have you ever been convicted of a felony or misdemeanor other than a routine traffic violation? Dr. Ailey was charged with disorderly conduct in 2004. Dr. Ailey also pled guilty to reckless driving 02/02/12. He was sentenced to 6 months SCRAM Unit unsupervised, court costs, and the MADD victim panel. Ms. McDaniel made the motion to approve Dr. Ailey’s application by examination. Dr. Bunch seconded the motion. The motion carried.

Matthew J. Kolb

Dr. Kolb answered yes to the questions that asked “Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?” and “Have you ever had any application for initial licensure, renewal licensure, or licensure by transfer denied by an licensing authority whether in pharmacy or any other profession?” Dr. Kolb’s Illinois pharmacist license was placed on five year probation 12/11/05 due to impairment. Dr. Kolb completed a drug treatment program through Rush Behavioral Health January 2006 and his Illinois pharmacist license was restored to active status March 2011. Dr. Kolb’s application for licensure by reciprocity was originally presented to the board at the September 21, 2010 board meeting. The board made the motion at that time for Dr. Kolb to appear. Dr. Kolb’s pharmacist license in AR, IA, MN, SD, MS, OK, IN, KY and ME have been disciplined due to the disciplinary action taken by the IL board of pharmacy. All the licenses have been restored to active statuses. Ms. McDaniel made the motion to uphold the board’s previous decision that Dr. Kolb appear before the board. Dr. Hill seconded the motion. After discussion, Ms. McDaniel withdrew her motion. Dr. Stephens made the motion that Dr. Kolb must appear before the board at the July 26-27, 2012 board meeting. If Dr. Kolb does not appear

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at the July board meeting his application will be denied. Dr. Hill seconded the motion. The motion carried.

Mark David Barron

Dr. Barron answered yes to the question that asked “Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?” Dr. Barron’s Florida pharmacist license was placed on probation 08/31/1998 due to impairment. He violated his probation 03/04/2005. His license was restored to active status on 11/18/2011. Dr. Stephens made the motion to approve Dr. Barron’s application for reciprocity if he signs a contract with the Tennessee Professional Recovery Network (TPRN) for three (3) years. Dr. Smothers seconded the motion. After discussion, Dr. Stephens amended the motion to add that Dr. Barron be subject to urine screens designed by TPRN. Dr. Smothers seconded the amended motion. The motion carried.

Michael Hayden Rikard

Dr. Rikard answered yes to the question “Have you ever been charged or convicted (including nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, or whether you were pardoned from any such offenses?” Dr. Rikard was charged with possession of paraphernalia August 14, 2003. This charge was expunged August 19, 2009. Dr. Stephens made the motion to approve Dr. Rikard’s application by examination. Ms. McDaniel seconded the motion. The motion carried.

Walter Jack Spears

Dr. Spears answered yes to the questions that asked “Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?” Dr. Spears let his NJ pharmacist license expire. Dr. Stephens made the motion to approve Dr. Spear’s application for reciprocity. Ms. McDaniel seconded the motion. The motion carried.

Ryan Keith Love

Dr. Love answered yes to the question “Have you ever been charged or convicted (including nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, or whether you were pardoned from any such offenses?” Dr. Love was charged as a minor in possession of alcohol in March 2004 and underage consumption of alcohol in the fall of 2004. Criminal background check received shows no record. Dr. Stephens made the motion to approve Dr. Love’s application by examination. Dr. Smothers seconded the motion. The motion carried.

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John Andrew McLaughlin

Dr. McLaughlin answered yes to the question “Have you ever been charged or convicted (including nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, or whether you were pardoned from any such offenses?” Dr. McLaughlin was charged with public intoxication October 2005. The charge was dismissed. Criminal background check does not show any other charges or convictions. Dr. Smothers made the motion to approve Dr. McLaughlin’s application by examination. Dr. Bunch seconded the motion. The motion carried.

Houston Warren Wyatt

Dr. Wyatt answered yes to the question “Have you ever been charged or convicted (including nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, or whether you were pardoned from any such offenses?” Dr. Wyatt was charged with public intoxication, underage consumption and evading arrest July 2003. The charges were dismissed and expunged. October 2005, he was charged with using a false ID, underage consumption and evading arrest. These charges were dismissed and expunged. Criminal background check does not show any other charges or convictions. Dr. Stephens made the motion to approve Dr. Wyatt’s application by examination. Dr. Hill seconded the motion. The motion carried.

Charles Lee Kim

Dr. Kim answered yes to the question “Have you ever been convicted of a felony or misdemeanor other than a routine traffic violation?” Dr. Kim pled no contest to theft of merchandise \$500.00 and assault on 02/02/2007. Judgment was deferred with 11 months and 29 days probation. Case closed. Criminal background check does not show any other charges or convictions. Ms. McDaniel made the motion to approve Dr. Kim’s application by examination. Dr. Stephens seconded the motion. The motion carried.

James Thomas Phillips

Dr. Phillips answered yes to the question “Have you ever been charged or convicted (including nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, or whether you were pardoned from any such offenses?” Dr. Phillips pled guilty to use and possession of drug paraphernalia on 06/25/2007. Criminal background check shows no record. Ms. McDaniel made the motion to approve Dr. Phillips’ application by examination. Dr. Bunch seconded the motion. The motion carried.

Joe Scott McNabb

Dr. McNabb answered no to the question question “Have you ever been charged or convicted (including nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor

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traffic offenses) whether or not sentence was imposed, suspended, or whether you were pardoned from any such offenses?" Dr. McNabb's criminal background check shows that he was arrested in Texas for driving while intoxicated on 01/14/1984. Dr. Stephens made the motion to approve Dr. McNabb's application by examination. Dr. Smothers seconded the motion. The motion carried.

Joseph Lee Merkel

Dr. Merkel answered yes to the question "Have you ever been charged or convicted (including nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentence was imposed, suspended, or whether you were pardoned from any such offenses?" Dr. Merkel was charged with public intoxication 09/10/2006. Charges were dismissed upon payment of cost. Criminal background check does not show any other charges or convictions. Dr. Smothers made the motion to approve Dr. Merkel's application by examination. Dr. Stephens seconded the motion. The motion carried.

Kellye Dawson

Dr. Dawson answered no to the question that asked "Have you ever been convicted of a felony or misdemeanor other than a routine traffic violation? Criminal background check shows an arrest on 05/07/2001 for public intoxication, and violation of drinking age law and the charges were dismissed. Ms. McDaniel made the motion to approve Dr. Dawson's application by examination. Dr. Stephens seconded the motion. The motion carried.

Pharmacy Technicians

Weszeleia Price

Ms. Price answered yes to the question "Have you been convicted of a misdemeanor (except minor traffic offenses) including alcohol or drug related offenses (including marijuana or hallucinogens)? Ms. Price was found guilty of reckless driving on 06/29/2010. She was given 6 months probation and owes \$632.65 in court costs. On 05/08/2007, Ms. Price was found guilty of theft under \$500.00. She was fined \$472.05 in court costs. The costs in both cases have not been paid. Dr. Smothers made the motion to deny Ms. Price's application for registration as a pharmacy technician. Dr. Bunch seconded the motion. The motion carried.

Charline Jackson

Ms. Jackson answered yes to the question "Are there any charges pending against you?" Ms. Jackson pled guilty to TN Care Fraud on 04/17/2012 and was sentenced to one year of supervised probation. Ms. Jackson application was presented at the November 8-9, 2011 board meeting. Her application was deferred until she could appear. Dr. Hill made the motion to deny Ms. Jackson's application for registration as a pharmacy technician. Dr. Bunch seconded the motion. The motion carried.

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Jamal Boyd

Mr. Boyd answered yes to the question “Have you been convicted of a misdemeanor (except minor traffic offenses) including alcohol or drug related offenses (including marijuana or hallucinogens)? Mr. Boyd stated that he had a DUI 1st offense in 1999 and 2006 beer operation at BP Oil mathematical error. The criminal background check shows arrests for the following: 02/09/2012, driving on revoked/suspended license; 11/29/2010, driving on suspended license; 06/23/2010, driving on revoked/suspended license; 01/04/2009, driving on revoked/suspended license; 02/04/2004, speeding, driving on suspended, failure to appear, violation of financial law; 05/15/2002, possession of controlled substances with intent to manufacturer/deliver/sell marijuana and crack cocaine. Dr. Smothers made the motion to deny Mr. Boyd’s application for registration as a pharmacy technician. Dr. Kizer seconded the motion. The motion carried.

LaShonda Miller

Ms. Miller answered yes to the question “Have you been convicted of a felony?”
Ms. Miller was charged with fraudulent obtaining food stamps over \$100.00 and fraudulent obtaining temporary child assistance over \$100.00 on September 12, 2006. Ms. Miller record was expunged on November 17, 2006. Dr. Stephens made the motion to approve Ms. Miller’s application for registration as a pharmacy technician. Dr. Bunch seconded the motion. The motion carried.

Rebecka Frausto

Ms. Frausto answered yes to the question “Have you been convicted of a misdemeanor (except minor traffic offenses) including alcohol or drug related offenses (including marijuana or hallucinogens)? Ms. Frausto was found guilty of contributing to the delinquency of a minor on 06/17/2011. She was fined \$50.00 plus costs and given 11 months and 29 days suspended to probation. Dr. Stephens made the motion to approve Ms. Frausto’s application for registration as a pharmacy technician. Dr. Bunch seconded the motion. The motion carried.

Heather Starner

Ms. Starner answered yes to the question “Have you been convicted of a misdemeanor (except minor traffic offenses) including alcohol or drug related offenses (including marijuana or hallucinogens)? Ms. Starner was found guilty of expired registration on 01/6/2011; 08/30/2011 charge of failure for drivers to exercise due care dismissed on cost and safety class; 07/05/2011 pled guilty of lesser charge driving without a license; 10/21/2011, found guilty of contempt of court and served 3 days. Ms. McDaniel made the motion to approve Ms. Starner’s application for registration as a pharmacy technician. Dr. Stephens seconded the motion. The motion carried.

Brenda Culver

Ms. Culver answered yes to the questions “Have you been convicted of a felony?”

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Ms. Culver was convicted of worthless checks 10/26/1992 with 11 months and 29 days suspended but time served; 05/12/1993 convicted of 6 counts of worthless checks with 11 months and 29 days suspended time served; 04/15/1983, fraud cost \$160.03; 05/06/1982 2 cases of fraud dismissed. Ms. McDaniel made the motion to approve Ms. Culver's application for registration as a pharmacy technician. Dr. Kizer seconded the motion. The motion carried.

Sarah Morgenstern

Ms. Morgenstern answered yes to the question "Have you been convicted of a misdemeanor (except minor traffic offenses) including alcohol or drug related offenses (including marijuana or hallucinogens)? Ms. Morgenstern was found guilty of reckless driving on 06/20/2007. Case is closed. Ms. McDaniel made the motion to approve Ms. Morgenstern's application for registration as a pharmacy technician. Dr. Bunch seconded the motion. The motion carried.

Rebecca Burrell

Ms. Burrell answered no to the question "Have you been convicted of a misdemeanor (except minor traffic offenses) including alcohol or drug related offenses (including marijuana or hallucinogens)? Ms. Burrell stated on the application and submitted court documents that she had a DUI that was resolved in 2002. Ms. McDaniel made the motion to approve Ms. Burrell's application for registration as a pharmacy technician. Dr. Smothers seconded the motion. The motion carried.

Latasha Marshall

Ms. Marshall answered yes to the question "Have you been convicted of a felony?" Ms. Marshall was charged with theft of property 05/08/2006. Documents submitted states case was disposed on 07/09/2008. Ms. McDaniel made the motion to approve Ms. Marshall's application for registration as a pharmacy technician. Dr. Smothers seconded the motion. The motion carried.

Terri McMillan

Ms. McMillan answered yes to the question "Have you been convicted of a misdemeanor (except minor traffic offenses) including alcohol or drug related offenses (including marijuana or hallucinogens)? Ms. McMillan pled nolo contendere for assault on 04/20/1999 and was placed on probation; 06/01/1999, found guilty of resisting arrest and was sentenced to 30 days in jail and fined court costs; 10/06/2000, found guilty of violating an order of protection and fined court costs. Ms. McDaniel made the motion to approve Ms. McMillan's application for registration as a pharmacy technician. Dr. Stephens seconded the motion. The motion carried.

Whitney Tilley

Ms. Tilley answered no to the questions listed on the application. Criminal background check shows that she was arrested for violation of check law on 12/21/1999. Ms. McDaniel made the

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motion to approve Ms. Tilley's application for registration as a pharmacy technician. Dr. Bunch seconded the motion. The motion carried.

Rebecca Starkey

Ms. Starkey answered no to the questions listed on the application. Criminal background check shows that she was arrested for retail theft 07/10/2009. Ms. McDaniel made the motion to approve Ms. Starkey's application for registration as a pharmacy technician. Dr. Stephens seconded the motion. The motion carried.

Manufacturer/Wholesaler/Distributor and Pharmacy

Smith & Nephew, Inc.

Smith & Nephew answered yes to the question that asked "Are there any charges involving moral turpitude or violation of pharmacy, or any other laws pending against you?"

The Securities and Exchange Commission (SEC) and DOJ asked Smith & Nephew look into possible improper payments to government-employed doctors and voluntarily report any issues. There were improper payments by a distributor in Greece that had been appointed by Smith & Nephew subsidiaries. In 2012, Smith & Nephew settled with the SEC and DOJ that included a deferred prosecution agreement in connection with the Foreign Corrupt Practices Act investigation of the medical device industry. The settlement includes \$22,226,799 in fines and profits disgorgement, maintain its enhanced compliance program, and appoint an independent monitor for at least 18 months to review and report on its compliance program. Ms. McDaniel's made the motion to approve Smith & Nephew's application for manufacturer/wholesaler/distributors in Tennessee. Dr. Stephens seconded the motion. The motion carried.

The University of Arizona

The University of Arizona's School of Pharmacy has submitted an application for an out of state pharmacy license. They have been issued a Limited Service Pharmacy license by the Arizona Board of Pharmacy. Their practice is Medication Therapy Management. Dr. Stephens made the motion to deny The University of Arizona application for pharmacy license in Tennessee. The University of Arizona does not dispense prescription drugs or prescription devices in Tennessee. Dr. Smothers seconded the motion. The motion carried.

Bio Products Laboratory, Ltd,

At the March 2-3, 2011 an application for manufacturer/wholesaler/distributor in the name of NHS Blood and Transplant was presented. The application was denied based on the facility location is out of the country. NHS Blood and Transplant has changed its name to Bio Products Laboratory, Ltd and they have submitted a new application for reconsideration. Ms. McDaniel made the motion to uphold the board's previous decision to deny the application based on the facility being located out of the country. Dr. Smothers seconded the motion. The motion carried.

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Waivers

Board rule 1140-3-.14 (12)

Dr. Hill made the motion to approve the waiver request **Josh Regel, Pharm. D.** to be the pharmacist in charge at VetApprovedRX and Regel Pharmalab. Dr. Smothers seconded the motion. The motion carried.

Board rule 1140-1.07

Dr. Hill made the motion to approve the request from **Diane D. Monte, R.Ph.** to waive the internship hours but she must successfully take and pass the MPJE. Dr. Smothers seconded the motion. The motion carried.

Ms. McDaniel made the motion to approve the request from **Wendy Blackston, R.Ph.** to waive the internship hours but he must successfully take and pass the MPJE. Dr. Smothers seconded the motion. The motion carried.

Dr. Stephens made the motion to approve the request from **Gary F. Sobocinski, R.Ph.** to waive the internship hours and the continuing pharmaceutical education hours but he must successfully take and pass the MPJE. Dr. Smothers seconded the motion. The motion carried.

Dr. Hill made the motion to approve the request from **David L. Mason, R.Ph.** to waive the internship hours but he must successfully take and pass the MPJE. Dr. Smothers seconded the motion. The motion carried.

Ms. McDaniel made the motion to approve the request from **Hermann E. Banner, R.Ph.** to waive the internship hours but he must successfully take and pass the MPJE. Dr. Stephens seconded the motion. The motion carried.

Ms. McDaniel made the motion to approve the request from **Roger Eichner, R.Ph.** to waive the internship hours but he must successfully take and pass the MPJE. Dr. Smothers seconded the motion. The motion carried.

Consent Orders

Ms. McDaniel made the motion to accept the following consent orders. Dr. Stephens seconded the motion. The motion carried.

VIOLATED BOARD RULE 1140-1-.02 and 1140-2-.02 (1)

Stacy Adams, RT
Edward M. Sturgeon, D.Ph.
Marilyn Tucker, D.Ph.

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Dr. Stephens made the motion to accept the following consent orders. Dr. Smothers seconded the motion. The motion carried.

REVOCATION

Elizabeth Hope Mullins, RT

Tammy Keller, RT

Dr. Bunch made the motion to accept the following consent order. Ms. McDaniel seconded the motion. The motion carried.

SUSPENSION

Glen R. Bonifield, Jr., D.Ph.

Dr. Smothers made the motion to accept the following consent order. Dr. Bunch seconded the motion. The motion carried.

VIOLATED BOARD RULE 1140-9-.01(2)

Target Medical

Dr. Hill made the motion to accept the following consent order. Dr. Stephens seconded the motion. The motion carried.

VIOLATED BOARD RULE 1140-03-.07

Barbara A. Chronister, D.Ph.

Dr. Hill made the motion to accept the following consent order. Dr. Stephens seconded the motion. The motion carried.

VIOLATED BOARD RULE 1140-3-.14 (2)

Walgreens Pharmacy #4904

Dr. Stephens made the motion to accept the following consent order. Dr. Smothers seconded the motion. The motion carried.

VIOLATED BOARD RULE 1140-9-.05 (5)

A-L Compressed Gases

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Presentation

Dr. Cameron James, Clinical Pharmacy Manager for HealthSpring and Dr. Chip Chambers, Senior Medical Director for HealthSpring appeared before the board to discuss a proposed pilot program with Silvercare Solutions to fulfill the medications for the patient before they leave the skilled nursing center. The prescription will be filled by HealthSpring Living Well pharmacy. Dr. James stated that they will offer face to face counseling by using an I Pad for face to face counseling.

Ms. McDaniel made the motion to adjourn at 4:10 p.m. Dr. Bunch seconded the motion. The motion carried.

May 17, 2012

The Tennessee Board of Pharmacy reconvened on Thursday, May 17, 2012 in the Poplar Room, 227 French Landing, Nashville, TN. A quorum of the members were present, the meeting was called to order at 9:05 a.m., by Dr. Warren, president.

Legal Report

1. Investigator witnessed 2 patients leaving the pharmacy with prescriptions without being offered counseling. Respondent admits to the failure to offer counseling.

Prior discipline: none

Recommendation: Dispensing Pharmacist - \$1,000 civil penalty failure to counsel

**Pharmacy--\$2,000 civil penalty per for failure to provide counseling with all but \$1,000 stayed with acceptable POC.
PIC—LOI on counseling**

Dr. Kizer made the motion to **authorize a formal hearing** with a \$2,000.00 civil penalty to the pharmacy for failure to provide counseling with all but \$1,000.00 stayed with an acceptable plan of correction, a \$1,000.00 civil penalty to the dispensing pharmacist and issue a letter of instruction to the PIC. Ms. McDaniel seconded the motion. The motion carried.

2. Investigator witnessed 2 patients leaving the pharmacy with prescriptions without being offered counseling. Respondent admits to the failure to offer counseling.

Prior discipline: none

Recommendation: Dispensing Pharmacist - \$1,000 civil penalty failure to counsel

Pharmacy--\$2,000 civil penalty per for failure to provide counseling with all but \$1,000 stayed with acceptable POC.

PIC—LOI on counseling

Dr. Stephens made the motion to **authorize a formal hearing** with a \$2,000.00 civil penalty to the pharmacy for failure to provide counseling with all but \$1,000.00 stayed with an acceptable plan of correction, a \$1000.00 civil penalty to the dispensing pharmacist and issue a letter of instruction to the PIC. Dr. Kizer seconded the motion. The motion carried.

3. Investigator witnessed 2 patients leaving the pharmacy with prescriptions without being offered counseling. Respondent admits to the failure to offer counseling.

*Prior discipline: 2000—Customer service—dismissed
2010—Medication error—\$1000 Civil Penalty
2010—Unprof. conduct—\$1050 Civil Penalty*

Recommendation: Dispensing Pharmacist - \$1,000 civil penalty failure to counsel

Pharmacy--\$2,000 civil penalty per for failure to provide counseling with all but \$1,000 stayed with acceptable POC.

PIC—LOI on counseling

Dr. Hill made the motion to **authorize a formal hearing** with a \$2,000.00 civil penalty to the pharmacy for failure to provide counseling with all but \$1,000.00 stayed with an acceptable plan of correction, a \$1,000.00 civil penalty to the dispensing pharmacist and issue a letter of instruction to the PIC. Dr. Bunch seconded the motion. The motion carried.

4. Complainant alleges that expired insulin was dispensed to patient twice—first upon receiving prescription from Respondent, then when patient realized it was expired, patient returned to Pharmacy where patient was again given expired insulin. Respondent admits to the allegations and states that all expired insulin has been removed from the shelves

Prior discipline: none

Recommendation: Discuss

Dr. Hill made the motion to issue a **Letter of Warning** to the dispensing pharmacist for the expired drugs. Dr. Kizer seconded the motion. The motion carried.

5. Investigator witnessed 10 patients leaving the pharmacy with prescriptions without being offered counseling. Respondent admits to the failure to offer counseling.

Prior discipline: 2009—Unreg Tech—\$1100 Civil Penalty

Recommendation: Dispensing Pharmacist - \$1,000 civil penalty failure to counsel

Pharmacy--\$10,000 civil penalty per for failure to provide counseling with all but \$1,000 stayed with acceptable POC.

PIC—LOI on counseling

Dr. Stephens made the motion to **authorize a formal hearing** with a \$10,000.00 civil penalty to the pharmacy for failure to provide counseling with all but \$1,000.00 stayed with an acceptable plan of correction, a \$1,000.00 civil penalty to the dispensing pharmacist and issue a letter of instruction to the PIC. Dr. Smothers seconded the motion. The motion carried.

6. Respondent technician admitted by affidavit to the removal of controlled substances from the pharmacy without authorization or valid prescription.

Controlled substances and Quantity in question are follows:

Prior discipline: Alprazolam 1mg 500 tablets
 none

Recommendation: Revoke

Dr. Kizer made the motion to **authorize a formal hearing** for revocation. Ms. McDaniel seconded the motion. The motion carried.

7. Complainant alleges HIPPA violation in relation to law enforcement personnel receiving a prescription profile from Respondent Pharmacy.

Prior discipline: none

Recommendation: Dismiss

Dr. Kizer made the motion to **accept counsel's recommendation**. Ms. McDaniel seconded the motion. The motion carried.

8. Investigator witnessed 5 patients leaving the pharmacy with prescriptions without being offered counseling. Respondent admits to the failure to offer counseling.

Prior discipline: 2009—Medication Error—Dismiss
 2010—Medication refill—Dismiss

Recommendation: **Dispensing Pharmacist - \$1,000 civil penalty failure to counsel**

Pharmacy--\$5,000 civil penalty per for failure to provide counseling with all but \$1,000 stayed with acceptable POC.

PIC—LOI on counseling

Dr. Stephens made the motion to **authorize a formal hearing** with a \$5,000.00 civil penalty to the pharmacy for failure to provide counseling with all but \$1,000.00 stayed with an acceptable plan of correction, a \$1,000.00 civil penalty to the dispensing pharmacist and issue a letter of instruction to the PIC. Ms. McDaniel seconded the motion. The motion carried.

9. Complaint generated from routine inspection. Inspector attempted to inspect M/W/D facility only to find that M/W/D had moved without notifying BOP and obtaining an inspection. Respondent had moved one month prior to the inspection

Prior discipline: none

Recommendation: **\$50 Civil Penalty**

Dr. Kizer made the motion to **authorize a formal hearing** with a \$50.00 civil penalty. Ms. McDaniel seconded the motion. The motion carried.

10. Complainant alleges that Respondent, Mail order Pharmacy, sent deceptive letters to patients in an attempt to solicit prescriptions from patients. Respondent admits that approximately 1,743 letters were inadvertently generated and mailed over the course of 8 months. The letters indicated that the patient's prescription had been preapproved.

Prior discipline: none

Recommendation: **Discuss**

Dr. Stephens made the motion to **authorize a formal hearing** with a \$100 civil penalty per letter to each of the nine (9) pharmacies for a total of \$174,300. There were a total of 1743 letters sent. Dr. Bunch seconded the motion. The motion carried. Dr. Kizer recused himself.

11. Investigator witnessed technician counsel 1 patients on dosage of prescription and patient left leaving the pharmacy without being offered counseling from pharmacist. Respondent admits to the allegations.

Prior discipline: none

Recommendation: Discuss

Dr. Hill made the motion to **authorize a formal hearing** with \$1,000.00 civil penalty to the dispensing pharmacist, \$1,000.00 to the pharmacy with a plan of correction that addresses technicians counseling patients and a letter of instruction to the PIC for failure to provide counseling and to the technician. Dr. Kizer seconded the motion. The motion carried.

12. Investigator witnessed 6 patients leaving the pharmacy with prescriptions without being offered counseling. Respondent admits to the failure to offer counseling.

Prior discipline: none

Recommendation: Dispensing Pharmacist - \$1,000 civil penalty failure to counsel

Pharmacy--\$6,000 civil penalty per for failure to provide counseling with all but \$1,000 stayed with acceptable POC.

PIC—LOI on counseling

Dr. Stephens made the motion to **authorize a formal hearing** with a \$6,000.00 civil penalty to the pharmacy for failure to provide counseling with all but \$1,000.00 stayed with an acceptable plan of correction, a \$1,000.00 civil penalty to the dispensing pharmacist and issue a letter of instruction to the PIC. Dr. Smothers seconded the motion. The motion carried.

13. Complaint generated from an opening inspection. Inspection revealed that M/W/D had been in operation for 7 months prior to inspection. .

Prior discipline: none

Recommendation: \$50.00 per month of unlicensed activity for a total of \$350.00

Dr. Hill made the motion to **authorize a formal hearing** with a \$50.00 civil penalty for unlicensed activity. Dr. Smothers seconded the motion. The motion carried.

14. Complainant alleged Respondent pharmacist split tablets of Atenolol incorrectly with resulted in patient experiencing chest pains. Respondent asserts that no one split the tablets in the pharmacy, and that their policy is not to split tablets unless it is absolutely necessary.

Prior discipline: none

Recommendation: Dismiss

Dr. Kizer made the motion to **accept counsel's recommendation**. Ms. McDaniel seconded the motion. The motion carried.

15. **Second presentation.** Original Complaint alleged that Respondent M/W/D was a wholesaler/Distributor of CPAP supplies located in Tennessee, and is distributing directly to Tennessee patients. Investigation confirmed the allegation. Unlicensed activity had occurred for approximately 3 years. It was initially determined that the CPAP supplies were prescription, however further information provided by the Respondent determined that said supplies were not. However, the boxes containing the supplies are marked RX Only. Respondent indicates that these are international boxes utilized by the manufacturer, and in some countries are prescriptions only.

Prior discipline: none

Recommendation: Discuss

Dr. Smothers made the motion to **authorize a formal hearing** with an \$1800.00 civil penalty. Dr. Stephens seconded the motion. The motion carried.

16. Complainant alleged when picking up patient's prescription, an additional prescription had been filled in patient's name for Vit D2 125mg. Patient took the prescription and later upon refill was notified by the pharmacy that the prescription was an error.

Prior discipline: None

Recommendation: Discuss

Dr. Kizer made the motion to issue a **Letter of Warning** to the pharmacist for the misfil. Dr. Smothers seconded the motion. The motion carried.

17. Complainant alleged respondent pharmacy dispenses 3 day emergency quantities of controlled substances without legal order signed or received, as well as improper destruction of prescription medications. Complainant also alleges improper pharmacist/technician ratio, and failure to properly secure controlled

substances. Respondent indicates that complainant is disgruntled terminated pharmacist, denied all allegations, and asserted that pharmacy had been recently inspected and proved to be in compliance.

Prior discipline: *None*

Recommendation: Dismiss

Dr. Hill made the motion to **accept counsel's recommendation**. Dr. Kizer seconded the motion. The motion carried.

18. Complainant alleges that patient submitted prescription for name brand medication and was given instead the generic version. Respondent asserts that patient's insurance did not cover the name brand medication—this was confirmed by the patient's indication that his appeal to his insurance company was denied.

Prior discipline: *2007 medication shortage—dismissed*
 2010 Substitution of medication--dismissed

Recommendation: Dismiss

Dr. Bunch made the motion to **accept counsel's recommendation**. Dr. Smothers seconded the motion. The motion carried.

19. Complainant alleges that patient was shorted 3 tablets from patient's Lortab prescription filled and dispensed by Respondent. Respondent indicates that prescription was properly filled and double counted, and no shortage occurred.

Prior discipline: *none*

Recommendation: Dismiss

Dr. Bunch made the motion to **accept counsel's recommendation**. Dr. Kizer seconded the motion. The motion carried.

20. Complainant alleges that Respondent utilized the electronic records to access a patient/coworkers data. Investigation revealed the allegations to be true and Respondent was subsequently fired.

Prior discipline: *none*

Recommendation: Discuss

Ms. McDaniel made the motion to **dismiss** the complaint. Dr. Kizer seconded the motion.

After discussion, Ms. McDaniel withdrew the motion. Dr. Stephens made the motion to

a **Letter of Instruction** to the pharmacy technician. Dr. Hill seconded the motion. The motion carried.

Dr. Kizer left at 10:50 a.m.

21. Investigator witnessed 2 patients leaving the pharmacy with prescriptions without being offered counseling. Respondent admits to the failure to offer counseling.

Prior discipline: 2002 Med. Shortage—Dismissed
2010 Unprof. Conduct—Civil penalty of \$1050

Recommendation: Dispensing Pharmacist - \$1,000 civil penalty failure to counsel

Pharmacy--\$2,000 civil penalty per for failure to provide counseling with all but \$1,000 stayed with acceptable POC.

PIC—LOI on counseling

Dr. Smothers made the motion to **authorize a formal hearing** with a \$2,000.00 civil penalty to the pharmacy for failure to provide counseling with all but \$1,000.00 stayed penalty with an acceptable plan of correction, a \$1,000.00 civil penalty to the dispensing pharmacist and issue a letter of instruction to the PIC. Ms. McDaniel seconded the motion. The motion carried.

22. Complainant alleged pharmacy offered continual early refills. Respondent admitted having a policy not to question refilling prescriptions 1 day early each month. Investigator reviewed Rule 1140-03-.03(6) with Respondent, and respondent indicated that policy would change and in refilling prescription, Respondent would state using professional judgment in deciding whether there is a legitimate reason for early refill.

Prior discipline: none

Recommendation: LOI to PIC or Dismiss

Dr. Hill made the motion to **dismiss** the complaint. Dr. Bunch seconded the motion. The motion carried.

23. Investigator witnessed 7 patients leaving the pharmacy with prescriptions without being offered counseling. Respondent admits to the failure to offer counseling.

Prior discipline: none

Recommendation: Dispensing Pharmacist - \$1,000 civil penalty failure to counsel

Pharmacy--\$7,000 civil penalty per for failure to provide counseling with all but \$1,000 stayed with acceptable POC.
PIC—LOI on counseling

Dr. Smothers made the motion to **authorize a formal hearing** with a \$7,000.00 civil penalty to the pharmacy for failure to provide counseling with all but \$1,000.00 stayed with an acceptable plan of correction, a \$1,000.00 civil penalty to the dispensing pharmacist and issue a letter of instruction to the PIC. Dr. Hill seconded the motion. The motion carried.

24. Complaint generated from periodic inspection, inspection revealed technician working on an expired registration. Registration had been expired for 3 months.

Prior discipline: none

Recommendation: PIC— \$100 civil penalty for each month tech worked unregistered.
Tech—\$100 Civil penalty

Dr. Stephens made the motion to **authorize a formal hearing** with a \$300.00 civil penalty to the PIC for an unregistered pharmacy technician and \$100.00 civil penalty to the pharmacy technician. Dr. Smothers seconded the motion. The motion carried.

25. Investigator witnessed 3 patients leaving the pharmacy with prescriptions without being offered counseling. Respondent admits to the failure to offer counseling.

Prior discipline: none

Recommendation: Dispensing Pharmacist - \$1,000 civil penalty failure to counsel
Pharmacy--\$3,000 civil penalty per for failure to provide counseling with all but \$1,000 stayed with acceptable POC.
PIC—LOI on counseling

Dr. Stephens made the motion to **authorize a formal hearing** with a \$3,000.00 civil penalty to the pharmacy for failure to provide counseling with all but \$1,000.00 stayed with an acceptable plan of correction, a \$1,000.00 civil penalty to the dispensing pharmacist and issue a letter of instruction to the PIC. Ms. McDaniel seconded the motion. The motion carried.

26. Investigator witnessed 3 patients leaving the pharmacy with prescriptions without being offered counseling. Respondent admits to the failure to offer counseling.

Prior discipline: none

Recommendation: Dispensing Pharmacist - \$1,000 civil penalty failure to counsel

Pharmacy--\$3,000 civil penalty per for failure to provide counseling with all but \$1,000 stayed with acceptable POC.

PIC—LOI on counseling

Dr. Smothers made the motion to **authorize a formal hearing** with a \$3,000.00 civil penalty to the pharmacy for failure to provide counseling with all but \$1,000.00 stayed with an acceptable plan of correction, a \$1,000.00 civil penalty to the dispensing pharmacist and issue a letter of instruction to the PIC. Dr. Bunch seconded the motion. The motion carried.

27. Respondent technician admitted by affidavit to the removal of controlled substances from the pharmacy without authorization or valid prescription.

Controlled substances and Quantity in question are follows:

Hydrocodone 10/500 mg	500 tablets
Hydrocodone 10/650 mg	500 tablets

Prior discipline: none

Recommendation: Revoke

Dr. Hill made the motion to **authorize a formal hearing** for revocation. Dr. Smothers seconded the motion. The motion carried.

28. Complainant alleged Prescription for N Acetylcysteine caused irritation and inflammation in patient's eye. Respondent tested the remaining lots and had no other complaints regarding the lots that had been dispensed.

Prior discipline: none

Recommendation: Dismiss

Dr. Smothers made the motion to **accept counsel's recommendation**. Dr. Hill seconded the motion. The motion carried.

29. Investigator witnessed 5 patients leaving the pharmacy with prescriptions without being offered counseling. Respondent admits to the failure to offer counseling.

Prior discipline: none

Recommendation: Dispensing Pharmacist - \$1,000 civil penalty failure to counsel

Pharmacy--\$5,000 civil penalty per for failure to provide counseling with all but \$1,000 stayed with acceptable POC.
PIC—LOI on counseling

Dr. Stephens made the motion to **authorize a formal hearing** with a \$5,000.00 civil penalty to the pharmacy for failure to provide counseling with all but \$1,000.00 stayed with an acceptable plan of correction, a \$1,000.00 civil penalty to the dispensing pharmacist and issue a letter of instruction to the PIC. Dr. Smothers seconded the motion. The motion carried.

30. Investigator witnessed 5 patients leaving the pharmacy with prescriptions without being offered counseling. Respondent admits to the failure to offer counseling.

Prior discipline: none

Recommendation: Dispensing Pharmacist - \$1,000 civil penalty failure to counsel

Pharmacy--\$3,000 civil penalty per for failure to provide counseling with all but \$1,000 stayed with acceptable POC.
PIC—LOI on counseling

Dr. Smothers made the motion to **authorize a formal hearing** with a \$3,000.00 civil penalty to the pharmacy for failure to provide counseling with all but \$1,000.00 stayed with an acceptable plan of correction, a \$1,000.00 civil penalty to the dispensing pharmacist and issue a letter of instruction to the PIC. Dr. Stephens seconded the motion. The motion carried.

31. Investigator witnessed 1 patient leaving the pharmacy with prescriptions without being offered counseling. Respondent admits to the failure to offer counseling.

Prior discipline: none

Recommendation: Dispensing Pharmacist - \$1,000 civil penalty failure to counsel

Pharmacy--\$1,000 civil penalty per for failure to provide counseling with acceptable POC.
PIC—LOI on counseling

Dr. Stephens made the motion to **authorize a formal hearing** with a \$1,000.00 civil penalty to the pharmacy for failure to provide counseling with an acceptable plan of correction, a \$1,000.00 civil penalty to the dispensing pharmacist and issue a letter of instruction to the PIC. Dr. Smothers seconded the motion. The motion carried.

32. Complaint alleges that Respondent forged/received a prescription in Respondent's name while acting as a technician. The prescriptions were for Diflucan.

Prior discipline: none

Recommendation: Discuss

Ms. McDaniel made the motion to **authorize a formal hearing** for revocation. Dr. Stephens seconded the motion. The motion carried. A roll call vote was taken with Ms. McDaniel, Dr. Hill and Dr. Bunch voting yes. Dr. Stephens and Dr. Smothers voted no.

Dr. Stephens left at 12:05 p.m.

33. Complainant alleged pharmacy operated compounding hood under improper conditions, was compounding commercially available drugs and maintained expired drugs on the shelves.

Investigation supported all allegation—improper compounding hood conditions, 89 expired bottles of medications on the shelves, not segregated, and Cyanocobalamin and Dexamethasone (both commercially available) being compounded by Respondent. Subsequent inspection yielded proper compounding hood conditions, however two bottles of expired medications were found. Additionally, Respondent was found to be mailing 10 non patient specific medications “for office use only”, mailing 5 patient specific medications to physician's offices, and 11 improper prescription transfers without proper recording of transferring pharmacist.

Respondent additionally had a licensed nurse working as a pharmacy technician for over a year.

Prior discipline: none

Recommendation: discuss

Dr. Hill made the motion to issue a **Letter of Warning** to the PIC for compounding commercially available products, hood conditions, shipping medication for nonspecific patients, and a \$100.00 civil penalty for each month minus 90 days from the date of hire for the unregistered technician. Dr. Smothers seconded the motion. The motion carried.

34. Complainant alleged Pharmacist forged and cashed wholesaler rebate checks, and filled prescriptions for self without paying for them. Respondent plead guilty in criminal court and made restitution in the amount of \$15,000.

Prior discipline: none

Recommendation: discuss

Dr. Hill made the motion to issue a **Letter of Warning** to the pharmacist for unprofessional and unethical conduct. Dr. Smothers seconded the motion. The motion carried.

35. Complainant alleged prescription for Verapamil was refilled with Verapamil and two tablets of Soma. Complainant alleges that she ingested one of the soma tablets and fell asleep at home, and later went to the hospital to insure she was alright. Respondent asserts no fault, reviewed their procedures, preformed an inventory, and found it unlikely that two generic soma tablets could have ended up in the complainant's bottle.

Prior discipline: none

Recommendation: Dismiss

Dr. Smothers made the motion to **accept counsel's recommendation**. Dr. Bunch seconded the motion. The motion carried.

36. Complaint generated from anonymous tip that patient was receiving early refills for Alprazolam from respondent pharmacy. After review of CSMD and review of Respondent's record, Respondent indicates that prescriptions were refilled as follows; 10 refills within 3 or fewer days, 4 refills within 4 days, and two refills within 5 days.

Prior discipline: none

Recommendation: discuss

Dr. Hill made the motion to issue **Letters of Instruction** to the three (3) pharmacists involved. Ms. McDaniel seconded the motion. The motion carried.

37. Respondent technician admitted by affidavit to the removal of controlled substances from the pharmacy without authorization or valid prescription.

Controlled substances and Quantity in question are follows:

Lortab 10/325	51 tablets
Hydrocodone 7.5/325	62 tablets

Prior discipline: none

Recommendation: Revoke

Ms. McDaniel made the motion to **authorize a formal hearing** for revocation Dr. Hill seconded the motion. The motion carried.

38. Respondent technician admitted by affidavit to the removal of controlled substances from the pharmacy without authorization or valid prescription.

Controlled substances and Quantity in question are follows:

Alprazolam .25mg	3 tablets
Alprazolam .2mg	5 tablets
Alprazolam XR .5mg	70 tablets
Hydrocodone 7.5/650	59 tablets
Hydrocodone 10/500	1,230 tablets
Hydrocodone 2.5/500	9 tablets

Prior discipline: none

Recommendation: Revoke

Ms. McDaniel made the motion to **authorize a formal hearing** for revocation. Dr. Smothers seconded the motion. The motion carried.

39. Complainant alleges that patient picked up prescription for topical metronidazole and realized that the metronidazole was in gel form rather than cream. Complainant states patient returned to the pharmacy and asked for the cream, at which time Respondent told Patient that the cream was not available under her insurance any longer, but that the Respondent could make the cream for \$18.50. Complainant agreed, and returned home to call her insurance company to verify the lack of coverage. Complainant alleges that insurance company told her that the cream was indeed covered by insurance. Upon this finding the Complainant called respondent and gave the information regarding coverage. At this time complainant alleges that Respondent admitted that it was a money issue and that Respondent would lose money by covering it under insurance.

Respondent asserts this was not the complete story, and that although there was a significant price increase in the metronidazole cream, Respondent did not have any in stock. Respondent states he felt he tried to help the patient as much as possible.

Prior discipline: none

Recommendation: Dismiss

Dr. Hill made the motion to **accept counsel's recommendation**. Dr. Bunch seconded the motion. The motion carried.

Presentation

Dr. Debra Wilson, Dr. Patricia Tanner and Dr. Jessica Horton appeared before the board to discuss Wilson Pharmacy, Inc. proposed bedside delivery program. Wilson Pharmacy, Inc. has plans to build a new retail pharmacy in the Johnson City Medical Center Hospital and would like to offer this bedside delivery to the patient before discharge. They will be using I Pads if the pharmacist is not able to leave the pharmacy. After discussion, Dr. Smothers stated that the business model presented is an acceptable form of face to face counseling. Ms. McDaniel seconded the motion. The motion carried.

Dr. Rich Kruzynski, President of PharMedium, Inc. appeared before the board to a waiver of the board rule 1140-02-.02 (7) pharmacist to technician ratio. They would like to upgrade the ratio to six to one. Dr. Warren asked about PharMedium if they have a Tennessee manufacturer/wholesale and distributor's license as well as a pharmacy license. PharMedium has an active Tennessee license as a pharmacy and as a manufacturer/wholesaler/distributor. After discussion, Ms. McDaniel made the motion to grant the waiver of the board rule 1140-02-.02(7) from 4:1 ratio to 6:1 ratio for PharMedium. Dr. Bunch seconded the motion. The motion carried.

Financial Report

Dr. Holt explained that rental cost used to be added in the year end but it is now calculated monthly as a set amount. The professional services 3rd party listed may be for the law books that were ordered last year.

General Discussion

Dr. Baeteena Black, Executive Director, Tennessee Pharmacy Recovery Network, spoke to the board about the new language used by the board concerning reinstatement of pharmacist licenses. Dr. Stephens had asked Dr. Black about random testing as long as the pharmacist has an active license in Tennessee. Dr. Black explained that once the probation contract has expired, TPRN will cease routine random testing. TPRN's policy has been that upon the ending of that contract that if there is any probable cause, TPRN or the board will conduct a test after conferring with each other.

Dr. Warren informed the board about a write up in the upcoming Newsletter honoring Dr. Hill for his service on the Board. The article states that "Dr Hill was appointed to the Board in 2006. When elected president in 2011, he steered the Board through numerous challenges. His objectivity and focus on the tasks presented before him helped the Board and staff to remain positive through several changes in administration including the commissioner's office, legal staff, Board staff, and several legislative issues. His community pharmacy expertise, strong ethics, and dedication to the practice of pharmacy will be missed.

Ms. McDaniel made the motion to adjourn at 1:05 p.m. Dr. Smothers seconded the motion. The motion carried.

Tennessee Board of Pharmacy
Board Meeting
May 16-17, 2012

The minute were ratified at the July 26-27, 2012 board meeting.